

**Introduced by Senators Roth and Correa
(Principal coauthor: Senator Wolk)**

February 20, 2013

An act to add Section 713 to the Military and Veterans Code, and to amend Section 1095 of the Unemployment Insurance Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 354, as introduced, Roth. Department of Veterans Affairs: monitoring outcomes for veterans: Director of Employment Development: disclosure of information.

Existing law establishes the Department of Veterans Affairs, which is responsible for administering various programs and services for the benefit of veterans.

This bill would require the Department of Veterans Affairs to develop outcome and related indicators for veterans, for the purpose of assessing the status of veterans in California, for monitoring the quality of programs intended to serve those veterans, and to guide decisionmaking on how to improve those services. This bill would require the department to report to the Senate and Assembly Committees on Veterans Affairs all of the outcome and related indicators developed by the department, recommendations on ways to establish a system for monitoring those indicators on a continual basis, and any regulatory or fiscal barriers that may hinder future progress on the development of a monitoring system, as provided.

Under existing law, the information obtained in the administration of the Unemployment Insurance Law is for the exclusive use and information of the Director of Employment Development in the discharge of his or her duties and is not open to the public. However,

existing law requires the director to permit the use of specified information for specified purposes, and allows the director to require reimbursement for direct costs incurred. Existing law provides that a person who knowingly accesses, uses, or discloses this confidential information without authorization is guilty of a misdemeanor.

This bill would require the Director of Employment Development to permit the receipt of specified information to enable the Department of Veterans Affairs to develop outcome and related indicators for veterans. By providing this information to the Department of Veterans Affairs, this bill would expand the crime related to the unauthorized disclosure of this information, and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 713 is added to the Military and Veterans
- 2 Code, to read:
- 3 713. (a) (1) The department shall develop outcome and related
- 4 indicators for veterans for the purpose of assessing the status of
- 5 veterans in California, for monitoring the quality of programs
- 6 intended to serve those veterans, and to guide decisionmaking on
- 7 how to improve those services.
- 8 (2) Indicators shall reflect the following issues, including, but
- 9 not limited to, employment and employment-related information
- 10 such as earnings, incidence of suicide, higher education including
- 11 access to higher education, involvement with the child welfare
- 12 system, and involvement with the criminal justice system.
- 13 (b) The department may receive any data, the access to which
- 14 is not restricted by any state or federal law, that is necessary to
- 15 develop outcome and related indicators as specified in subdivision
- 16 (a), including, but not limited to, data held by other state agencies
- 17 or departments.
- 18 (c) The department shall prescribe a manner in which to ensure
- 19 the confidentiality of information in the possession of the

1 department received pursuant to this section, that is equal to, or
2 greater than, the protections in place for data received by other
3 state agencies or departments.

4 (d) The department may establish one or more advisory bodies
5 to guide and inform the selection of outcome and related indicators
6 and the strategy for developing and reporting those indicators, as
7 determined by the Secretary of Veterans Affairs. An existing state
8 entity that involves diverse representation of state and local
9 veterans, including, but not limited to, the California Interagency
10 Council on Veterans, may act as an advisory body for purposes of
11 this section.

12 (e) (1) The department shall report to the Senate and Assembly
13 Committees on Veterans Affairs, on or before March 1, 2015, all
14 of the outcome and related indicators developed by the department
15 pursuant to subdivision (a). The report shall also include
16 recommendations on ways to establish a system for monitoring
17 those indicators on a continual basis, including additional staffing
18 or technology that might be necessary, as well as any regulatory
19 or fiscal barriers that may hinder future progress on the
20 development of a monitoring system.

21 (2) The report required to be submitted pursuant to this
22 subdivision shall be submitted in compliance with Section 9795
23 of the Government Code.

24 (3) The requirement for submitting a report under paragraph
25 (1) is inoperative on March 1, 2019, pursuant to Section 10231.5
26 of the Government Code.

27 SEC. 2. Section 1095 of the Unemployment Insurance Code
28 is amended to read:

29 1095. The director shall permit the use of any information in
30 his or her possession to the extent necessary for any of the
31 following purposes and may require reimbursement for all direct
32 costs incurred in providing any and all information specified in
33 this section, except information specified in subdivisions (a) to
34 (e), inclusive:

35 (a) To enable the director or his or her representative to carry
36 out his or her responsibilities under this code.

37 (b) To properly present a claim for benefits.

38 (c) To acquaint a worker or his or her authorized agent with his
39 or her existing or prospective right to benefits.

1 (d) To furnish an employer or his or her authorized agent with
2 information to enable him or her to fully discharge his or her
3 obligations or safeguard his or her rights under this division or
4 Division 3 (commencing with Section 9000).

5 (e) To enable an employer to receive a reduction in contribution
6 rate.

7 (f) To enable federal, state, or local government departments
8 or agencies, subject to federal law, to verify or determine the
9 eligibility or entitlement of an applicant for, or a recipient of, public
10 social services provided pursuant to Division 9 (commencing with
11 Section 10000) of the Welfare and Institutions Code, or Part A of
12 Title IV of the Social Security Act, where the verification or
13 determination is directly connected with, and limited to, the
14 administration of public social services.

15 (g) To enable county administrators of general relief or
16 assistance, or their representatives, to determine entitlement to
17 locally provided general relief or assistance, where the
18 determination is directly connected with, and limited to, the
19 administration of general relief or assistance.

20 (h) To enable state or local governmental departments or
21 agencies to seek criminal, civil, or administrative remedies in
22 connection with the unlawful application for, or receipt of, relief
23 provided under Division 9 (commencing with Section 10000) of
24 the Welfare and Institutions Code or to enable the collection of
25 expenditures for medical assistance services pursuant to Part 5
26 (commencing with Section 17000) of Division 9 of the Welfare
27 and Institutions Code.

28 (i) To provide any law enforcement agency with the name,
29 address, telephone number, birth date, social security number,
30 physical description, and names and addresses of present and past
31 employers, of any victim, suspect, missing person, potential
32 witness, or person for whom a felony arrest warrant has been
33 issued, when a request for this information is made by any
34 investigator or peace officer as defined by Sections 830.1 and
35 830.2 of the Penal Code, or by any federal law enforcement officer
36 to whom the Attorney General has delegated authority to enforce
37 federal search warrants, as defined under Sections 60.2 and 60.3
38 of Title 28 of the Code of Federal Regulations, as amended, and
39 when the requesting officer has been designated by the head of
40 the law enforcement agency and requests this information in the

1 course of and as a part of an investigation into the commission of
2 a crime when there is a reasonable suspicion that the crime is a
3 felony and that the information would lead to relevant evidence.
4 The information provided pursuant to this subdivision shall be
5 provided to the extent permitted by federal law and regulations,
6 and to the extent the information is available and accessible within
7 the constraints and configurations of existing department records.
8 Any person who receives any information under this subdivision
9 shall make a written report of the information to the law
10 enforcement agency that employs him or her, for filing under the
11 normal procedures of that agency.

12 (1) This subdivision shall not be construed to authorize the
13 release to any law enforcement agency of a general list identifying
14 individuals applying for or receiving benefits.

15 (2) The department shall maintain records pursuant to this
16 subdivision only for periods required under regulations or statutes
17 enacted for the administration of its programs.

18 (3) This subdivision shall not be construed as limiting the
19 information provided to law enforcement agencies to that pertaining
20 only to applicants for, or recipients of, benefits.

21 (4) The department shall notify all applicants for benefits that
22 release of confidential information from their records will not be
23 protected should there be a felony arrest warrant issued against
24 the applicant or in the event of an investigation by a law
25 enforcement agency into the commission of a felony.

26 (j) To provide public employee retirement systems in California
27 with information relating to the earnings of any person who has
28 applied for or is receiving a disability income, disability allowance,
29 or disability retirement allowance, from a public employee
30 retirement system. The earnings information shall be released only
31 upon written request from the governing board specifying that the
32 person has applied for or is receiving a disability allowance or
33 disability retirement allowance from its retirement system. The
34 request may be made by the chief executive officer of the system
35 or by an employee of the system so authorized and identified by
36 name and title by the chief executive officer in writing.

37 (k) To enable the Division of Labor Standards Enforcement in
38 the Department of Industrial Relations to seek criminal, civil, or
39 administrative remedies in connection with the failure to pay, or
40 the unlawful payment of, wages pursuant to Chapter 1

1 (commencing with Section 200) of Part 1 of Division 2 of, and
2 Chapter 1 (commencing with Section 1720) of Part 7 of Division
3 2 of, the Labor Code.

4 (l) To enable federal, state, or local governmental departments
5 or agencies to administer child support enforcement programs
6 under Title IV of the federal Social Security Act (42 U.S.C. Sec.
7 651 et seq.).

8 (m) To provide federal, state, or local governmental departments
9 or agencies with wage and claim information in its possession that
10 will assist those departments and agencies in the administration
11 of the Victims of Crime Program or in the location of victims of
12 crime who, by state mandate or court order, are entitled to
13 restitution that has been or can be recovered.

14 (n) To provide federal, state, or local governmental departments
15 or agencies with information concerning any individuals who are
16 or have been:

17 (1) Directed by state mandate or court order to pay restitution,
18 fines, penalties, assessments, or fees as a result of a violation of
19 law.

20 (2) Delinquent or in default on guaranteed student loans or who
21 owe repayment of funds received through other financial assistance
22 programs administered by those agencies. The information released
23 by the director for the purposes of this paragraph shall not include
24 unemployment insurance benefit information.

25 (o) To provide an authorized governmental agency with any or
26 all relevant information that relates to any specific workers'
27 compensation insurance fraud investigation. The information shall
28 be provided to the extent permitted by federal law and regulations.
29 For the purposes of this subdivision, "authorized governmental
30 agency" means the district attorney of any county, the office of
31 the Attorney General, the Contractors' State License Board, the
32 Department of Industrial Relations, and the Department of
33 Insurance. An authorized governmental agency may disclose this
34 information to the State Bar of California, the Medical Board of
35 California, or any other licensing board or department whose
36 licensee is the subject of a workers' compensation insurance fraud
37 investigation. This subdivision shall not prevent any authorized
38 governmental agency from reporting to any board or department
39 the suspected misconduct of any licensee of that body.

1 (p) To enable the Director of the Bureau for Private
2 Postsecondary Education, or his or her representatives, to access
3 unemployment insurance quarterly wage data on a case-by-case
4 basis to verify information on school administrators, school staff,
5 and students provided by those schools who are being investigated
6 for possible violations of Chapter 8 (commencing with Section
7 94800) of Part 59 of Division 10 of Title 3 of the Education Code.

8 (q) To provide employment tax information to the tax officials
9 of Mexico, if a reciprocal agreement exists. For purposes of this
10 subdivision, "reciprocal agreement" means a formal agreement to
11 exchange information between national taxing officials of Mexico
12 and taxing authorities of the State Board of Equalization, the
13 Franchise Tax Board, and the Employment Development
14 Department. Furthermore, the reciprocal agreement shall be limited
15 to the exchange of information that is essential for tax
16 administration purposes only. Taxing authorities of the State of
17 California shall be granted tax information only on California
18 residents. Taxing authorities of Mexico shall be granted tax
19 information only on Mexican nationals.

20 (r) To enable city and county planning agencies to develop
21 economic forecasts for planning purposes. The information shall
22 be limited to businesses within the jurisdiction of the city or county
23 whose planning agency is requesting the information, and shall
24 not include information regarding individual employees.

25 (s) To provide the State Department of Developmental Services
26 with wage and employer information that will assist in the
27 collection of moneys owed by the recipient, parent, or any other
28 legally liable individual for services and supports provided pursuant
29 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,
30 and Chapter 2 (commencing with Section 7200) and Chapter 3
31 (commencing with Section 7500) of Division 7 of, the Welfare
32 and Institutions Code.

33 (t) To provide the State Board of Equalization with employment
34 tax information that will assist in the administration of tax
35 programs. The information shall be limited to the exchange of
36 employment tax information essential for tax administration
37 purposes to the extent permitted by federal law and regulations.

38 (u) Nothing in this section shall be construed to authorize or
39 permit the use of information obtained in the administration of this
40 code by any private collection agency.

(v) The disclosure of the name and address of an individual or business entity that was issued an assessment that included penalties under Section 1128 or 1128.1 shall not be in violation of Section 1094 if the assessment is final. The disclosure may also include any of the following:

(1) The total amount of the assessment.

(2) The amount of the penalty imposed under Section 1128 or 1128.1 that is included in the assessment.

(3) The facts that resulted in the charging of the penalty under Section 1128 or 1128.1.

(w) To enable the Contractors' State License Board to verify the employment history of an individual applying for licensure pursuant to Section 7068 of the Business and Professions Code.

(x) To provide any peace officer with the Division of Investigation in the Department of Consumer Affairs information pursuant to subdivision (i) when the requesting peace officer has been designated by the Chief of the Division of Investigation and requests this information in the course of and as part of an investigation into the commission of a crime or other unlawful act when there is reasonable suspicion to believe that the crime or act may be connected to the information requested and would lead to relevant information regarding the crime or unlawful act.

(y) To enable the Labor Commissioner of the Division of Labor Standards Enforcement in the Department of Industrial Relations to identify, pursuant to Section 90.3 of the Labor Code, unlawfully uninsured employers. The information shall be provided to the extent permitted by federal law and regulations.

(z) To enable the Chancellor of the California Community Colleges, in accordance with the requirements of Section 84754.5 of the Education Code, to obtain quarterly wage data, commencing January 1, 1993, on students who have attended one or more community colleges, to assess the impact of education on the employment and earnings of students, to conduct the annual evaluation of ~~district-level~~ *district level* and individual college performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(aa) To enable the Public Employees' Retirement System to seek criminal, civil, or administrative remedies in connection with

the unlawful application for, or receipt of, benefits provided under Part 3 (commencing with Section 20000) of Division 5 of Title 2 of the Government Code.

(ab) To enable the State Department of Education, the University of California, the California State University, and the Chancellor of the California Community Colleges, pursuant to the requirements prescribed by the federal American Recovery and Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly wage data, commencing July 1, 2010, on students who have attended their respective systems to assess the impact of education on the employment and earnings of those students, to conduct the annual analysis of ~~district-level~~ *district level* and individual district or postsecondary education system performance in achieving priority educational outcomes, and to submit the required reports to the Legislature and the Governor. The information shall be provided to the extent permitted by federal statutes and regulations.

(ac) To provide the Agricultural Labor Relations Board with employee, wage, and employer information, for use in the investigation or enforcement of the Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations Act of 1975 (Part 3.5 (commencing with Section 1140) of Division 2 of the Labor Code). The information shall be provided to the extent permitted by federal statutes and regulations.

(ad) (1) To enable the State Department of Health Care Services, the California Health Benefit Exchange, the Managed Risk Medical Insurance Board, and county departments and agencies to obtain information regarding employee wages, California employer names and account numbers, employer reports of wages and number of employees, and disability insurance and unemployment insurance claim information, for the purpose of:

(A) Verifying or determining the eligibility of an applicant for, or a recipient of, state health subsidy programs, limited to the ~~Medi-Cal Program~~ *program*, provided pursuant to Chapter 7 (commencing with Section 14000) of Part 3 of Division 9 of the Welfare and Institutions Code, the Healthy Families Program, provided pursuant to Part 6.2 (commencing with Section 12693) of Division 2 of the Insurance Code, and the Access for Infants and Mothers Program, provided pursuant to Part 6.3 (commencing with Section 12695) of Division 2 of the Insurance Code, where the verification or determination is directly connected with, and

1 limited to, the administration of the state health subsidy programs
2 referenced in this subparagraph.

3 (B) Verifying or determining the eligibility of an applicant for,
4 or a recipient of, federal subsidies offered through the California
5 Health Benefit Exchange, provided pursuant to Title 22
6 (commencing with Section 100500) of the Government Code,
7 including federal tax credits and cost-sharing assistance pursuant
8 to the federal Patient Protection and Affordable Care Act (Public
9 Law 111-148), as amended by the federal Health Care and
10 Education Reconciliation Act of 2010 (Public Law 111-152), where
11 the verification or determination is directly connected with, and
12 limited to, the administration of the California Health Benefit
13 Exchange.

14 (C) Verifying or determining the eligibility of employees and
15 employers for health coverage through the Small Business Health
16 Options Program, provided pursuant to Section 100502 of the
17 Government Code, where the verification or determination is
18 directly connected with, and limited to, the administration of the
19 Small Business Health Options Program.

20 (2) The information provided under this subdivision shall be
21 subject to the requirements of, and provided to the extent permitted
22 by, federal law and regulations, including Part 603 of Title 20 of
23 the Code of Federal Regulations.

24 *(ae) To enable the Department of Veterans Affairs to receive*
25 *quarterly wage data pursuant to the requirements of Section 713*
26 *of the Military and Veterans Code. The information shall be*
27 *provided to the extent permitted by federal law.*

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution because
30 the only costs that may be incurred by a local agency or school
31 district will be incurred because this act creates a new crime or
32 infraction, eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section 17556 of
34 the Government Code, or changes the definition of a crime within
35 the meaning of Section 6 of Article XIII B of the California
36 Constitution.